

REMARKS

By this amendment: (1) new claims 32-44 are presented to better define the invention; (2) claims 7-9, 11, 17, 21 and 23 are amended; and (3) claim 27 is rewritten in independent form.

This application now contains claims 7-15, 17-29 and 31-44. In view of the above amendments and the remarks hereinafter, it is respectfully requested that this application be reconsidered.

Claim 27 has been amended to remove the objection of being dependent on a rejected base claim and is now allowable.

The rejection of claims 17-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is respectfully traversed. Claim 17 has been amended to better define the invention and recites "*means for preventing at least one of the arming the alarm system and the activating of said alarm when the placing of pressure more than a predetermined pressure and the release of said pressure are separated in time by less than a preset period of time.*" The language "at least one" in that clause of claim 17 refers to either: (1) arming the alarm system; or (2) activating the alarm system. The language which then follows, "*when the placing of pressure more than a predetermined pressure and the release of said pressure are separated in time by less than a preset period of time*", means that if pressure is placed and then released within a certain preset period of time, that will prevent either: (1) the arming of the alarm system; or (2) the activating of the alarm system.

There are several locations in the specification which disclose this, such as page 15, lines 3-6, which discloses that if there is a release of pressure, the microprocessor transmits an alarm signal unless the pressure is again applied within two and one-half seconds. Also, on page 15, lines 14-18, the specification discloses that the microprocessor determines if there is an alarm condition caused by the pressure pad being armed and then pressure being removed for approximately 2.5 seconds. On page 16, lines 5-9, the specification states that an alarm is provided if the pad is armed as a result of weight being upon it and then weight is removed from the pad for approximately 2.5 seconds. All these references in the specification disclose preventing the step of arming the alarm system or preventing the step of activating the alarm when the placing of pressure and removing of the pressure occur less than 2.5 seconds apart.

The specification also discloses on page 19, lines 1-4, that if pressure is again applied to the pressure sensor while the signal is passing through the time delay circuit 180, then the switch contact is open and no alarm is given. Later on page 19, lines 6-9, the specification discloses that if the pressure is released, the switch contact sets will close and if they remain closed after the preset time of the time delay circuit, the alarm will sound.

The rejection of claims 11 and 12 under 35 U.S.C. 102(b) as being anticipated by Boon is respectfully traversed. Claim 11 recites, "a casing encasing the control housing and the pressure pad". Boon does not disclose a casing that encases a control housing at all. The pressure pad and casing as shown in FIG. 1 of Boon is electrically connected through the external cable 40 to the control unit. This is also shown in FIG. 3 in which the control unit is shown with an integrated circuit at 58 and the casing is shown at 10 with the

two being interconnected by the cable 40. Neither Cross nor Triplett et al. contain a suggestion of a casing enclosing or being sealed around an alarm, control unit or control housing, how it could be done, nor the advantage gained or problem solved by it and thus can not cure the problem with the rejection over Boon even if expanded to be a 103 rejection that takes into account the other references. Claim 12 depends from claim 11 and avoids a rejection under 35 U.S.C. 102(b) for the same reason. For a claim to be anticipated under 35 U.S.C. 102(b), the reference must show every feature recited in the claim. That is not the case here.

The Examiner rejected claims 7-10 under 35 U.S.C. 132(a) as being unpatentable over Cross in view of Boon. It is assumed that this is a typographical error and that the Examiner meant the rejection to be under 35 U.S.C. 103(a) since the claims are rejected as being unpatentable over one reference in view of another. Accordingly, the rejection of claims 7-10 under 35 U.S.C. 103(a) as being unpatentable over Cross in view of Boon is respectfully traversed.

Claim 7 is directed to a method of using a disposable pad and a pull type fall monitoring safety device to detect patients that only slump over rather than leaving a location and patients who remove the pull type alarm. Neither Cross nor Boon teach the problems solved by this combination nor the claimed solution. Moreover, claim 7 is also directed to a technique that permits replacement of the pad when patients are changed for sanitation purposes but permits keeping of the rest of the apparatus. The mere fact that some of the components of this device are in the prior art is not sufficient to form a *prima facie* case of unpatentability. Instead the Examiner must find a suggestion of the combination of parts in the prior art to arrive at the invention, which has not been done in

this case. Claim 7 is allowable in view of the unobvious problems solved by this invention, the unobvious manner in which the problems were solved and the advantages of the claimed invention. Claims 8, 9 and 10 depend from claim 7 and are allowable for the same reasons.

The rejection of claims 13-15 under 35 U.S.C. 103(a) as being unpatentable over Boon in view of Cross is respectfully traversed. Neither Boon nor Cross disclose a casing that encases both a control housing and pressure pad, nor the benefits of such a casing. Cross doesn't even disclose a pressure pad. The pressure pad and casing as shown in FIG. 1 of Boon is electrically connected through the external cable 40 to the control unit. This is also shown in FIG. 3 in which the control unit is shown with an integrated circuit at 58 and the casing is shown at 10 with the two being interconnected by the cable 40. Again a *prima facie* case has not been made because there is no suggestion in the references of the limitations in the claim or the benefits of the limitation nor of any reason for combining the teachings from the two references even if the component parts were taught.

Claim 12 as well as new claims 32-35 depend from claim 11 and avoid a rejection under 35 U.S.C. 103 for the same reason. New claims 36-44, which also recite a combination although they are of an alarm or recite that the casing is sealed around the unit and pressure sensor rather than encase it, are patentable for the same reasons as claim 11.

The rejection of claims 21, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Boon in view of Cross and Triplett et al. is respectfully traversed. As described above, neither Cross, Boon and Triplett et al., alone nor collectively, contain a suggestion of a casing enclosing or being sealed around any one of an alarm, a control unit or a control

housing. Moreover, they do not suggest how the alarm, the unit or the housing could be enclosed by or sealed within the casing, nor the advantage gained or problem solved by enclosing them. Thus, there is no *prima facie* case.

The rejection of claim 28 under 35 U.S.C. 103(a) as being unpatentable over Boon in view of Triplett et al. is respectfully traversed. Claim 28 recites, "a casing at least partly encasing the control housing and the pressure pad;" which are not disclosed nor suggested by any of the cited references. Where is the casing that encloses the control housing in any of these references? Moreover, there is no suggestion that would make it obvious to combine these references and if combined would still not suggest the claimed invention. Accordingly, the Examiner has failed to establish a *prima facie* case of unpatentability of those claims. A *prima facie* case is not established by merely asserting that the missing elements in the prior art are obvious. There must be some logical reason based on fact causing them to be obvious and no such reason has been given by the Examiner.

Since the claims in this application are proper under 35 U.S.C. 112 and patentable under U.S.C. 102 and 103, it is respectfully requested that they be passed to issue.

Respectfully submitted,



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